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10/609,060	06/28/2003	Tong Zhang	BP 2859	6862

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EXAMINER

NGUYEN, TANH Q

ART UNIT PAPER NUMBER

2182

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/609,060

Applicant(s)

ZHANG ET AL.

Examiner

Tanh Q. Nguyen

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

1. Claims 14 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 14 and 21 contain the trademark/trade name Bluetooth operating/interface standard. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. The trademark/trade name or the so-called standard/specification are subject to modifications by their owners and do not have fixed meaning; therefore the metes and bounds of the claims are claims indefinite.

Correction/clarification required.

The following rejections are made based on the examiner's best interpretation of the claims in light of the 35 USC 112 rejections.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11, 15, 17-18, 22, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by in view of Junod et al. (US 5,854,621).
3. Claims 11 and 18, Junod discloses a computer system having a host computer 30, at least one wireless user input device 10, and a host side wireless interface 20 (Fig 6). The host side wireless interface 20 has a host interface 610, a processing unit 600, a non-volatile memory 620 and wireless network interface 640-700 for interfacing with the at least one wireless input device; wherein during a configuration operation, configuration information corresponding to the wireless user input is stored in the non-volatile memory (col. 7, l. 31 to col. 8, l. 28, col. 9, ll. 12-15) and also transferred to the host computer via the host interface (col. 9, ll. 15-25), wherein during a subsequent boot mode operation, the configuration information is retrieved from the non-volatile memory and used in servicing the user input device (col. 9, ll. 24-26).
4. Claims 15 and 22, Junod discloses the wireless input device including one of wireless mouse, keyboard or game controller (col. 2, ll. 6-22).
5. Claims 17 and 24, Junod discloses the information includes at least an address

Art Unit: 2182

and a link key (col. 8, ll. 2-18).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11-24 are rejected under 35 U.S.C. 103(a) as being obvious over Lazzarotto et al. (US 6,782,245) in view of Junod.

7. Claims 11 and 18, Lazzarotto discloses host side wireless interface 600b (Fig. 6) for servicing a computer system having a host computer (not shown) and at least one wireless user input device 608 a-n, the host side wireless interface 600b includes a host side interface 610, a processor unit MPU 606. The host side wireless interface having a host interface also includes a non-volatile memory EEPROM (see Fig. 8B) and wireless network interface 805 (Fig. 8A) for interfacing with one of the wireless input device; wherein during a configuration operation, configuration information corresponding to the wireless user input is stored in the non-volatile memory (col. 7, l. 31 to col. 8, l. 28 and col. 9, ll. 12-15) and also transferred to the host computer via the host interface (col. 9, ll. 15-25), wherein during a subsequent boot mode operation, the configuration information is retrieved from the non-volatile memory and used in servicing the user input device (col. 9, ll. 24-26). Lazzarotto does not disclose the configuration information corresponding to the wireless user input is stored in the non-volatile memory

and also transferred to the host computer via the host interface wherein during a subsequent boot mode operation, the configuration information is retrieved from the non-volatile memory and used in servicing the user input device.

Junod discloses a system for configuring a communication with a wireless peripheral device wherein during a configuration operation, configuration information corresponding to the wireless user input is stored in the non-volatile memory (col. 8, ll. 24-28, col. 9, ll. 12-15) and also transferred to the host computer via the host interface (col. 9, ll. 15-25), wherein during a subsequent boot mode operation, the configuration information is retrieved from the non-volatile memory and used in servicing the user input device (col. 9, ll. 24-26).

It would have been obvious to one having ordinary skill in the art combine the operating protocol of Junod in the system of Lazzarotto in order to communicate with the wireless input devices since Lazzarotto discloses the apparatus using a communication protocol as disclosed by Junod (US Pat 5,881,336) in order to permit multiple wireless devices to communicate with the host system simultaneously using USB to maximize expandability and simplify the connection to the host device (Lazzarotto, col. 2, ll. 28-38 and col. 5, ll. 23-25).

8. Claims 13-15 and 20-22, Lazzarotto discloses the host interface being based on USB interface standard (col. 13, ll. 25-31) and the host side wireless interface operating based on Bluetooth operating standard (col. 12, ll. 60-63) and the wireless input device including one of wireless mouse, keyboard or game controller (abstract).

9. Claims 12, 16, 19 and 23, Lazzarotto discloses the wireless input devices 608

Art Unit: 2182

communicating with the host side wireless interface via Bluetooth operating standard, therefore the priority given to the wireless input device being based upon the Remote Name Request (BD\_ADDR or AM\_ADDR or Class of Device Indication, a generic description of the wireless device) due to the parameters used in the authentication and communication of the host controller interface (HCI) of the Bluetooth technology.

According to the Bluetooth specification, each Bluetooth device is given a remote address (BD\_ADDR) and each slave device is assigned an active address (AM\_ADDR) when a piconet is formed in order to provide priority within the same piconet or if the AM-ADDR to avoid unauthorized tampering and packet modifying.

10. Claims 15 and 22, Lazzarotto discloses the wireless input device including one of wireless mouse, keyboard or game controller (abstract).

11. Claims 17 and 24, Junod discloses the configuration information including at least an address and a link key (col. 8, ll. 2-18).

### ***Response to Arguments***

12. Applicant's arguments filed July 20, 2006 have been fully considered but they are not persuasive.

13. Rejections under 35 USC 112, second paragraph

Applicant essentially argued that the term "Bluetooth" is registered in the U.S. Patent & Trademark Office as a Certification Mark to certify characteristics of a person's goods or services, the person being other than its owner of the Certification Mark. Because the Certification Mark is used to identify the source of goods, and not the

goods themselves, the scopes of the claims are uncertain.

Applicant also argued that the term "Bluetooth" serves as a nonproprietary name used in trade, and that the term meaning is well known and **satisfactorily** defined in the literature (see, e.g. Green at claim 10). The arguments are not persuasive because they represent applicant's opinions, not facts. Since Bluetooth is a Certification Mark, it is a proprietary name. Since applicant made reference to Green at claim 10, which refers to Bluetooth as a trademark, Bluetooth is known as a trademark in Green.

Applicant further argued that "at least one version of the Bluetooth operating standard" takes into consideration the backwards-compatibility with respect to the "Bluetooth operating standard" and as permissible, addresses foreseeable alteration of Applicant's claimed structure. The argument is not persuasive because applicant essentially argued that applicant's structure can be changed to a structure not currently disclosed in applicant's invention.

The examiner suggests that applicant amend the claims to describe the characteristics of Bluetooth instead of reciting "at least one version of the Bluetooth operating standard" - because such limitations, at least, implicitly mean that there is more than one version, and it is not clear which versions are included and which versions are not included, therefore the metes and bounds of the claims are indefinite.

Applicant's argument with respect to the USB interface standard is only partially persuasive because the claims recite the possibility of more than one versions - and if that is the case, it is not clear which versions are included and which versions are not included, therefore the metes and bounds of the claims are indefinite. **The examiner**



**suggests that applicant amend “wherein the host interface operates according to one or more versions of the Universal Serial Bus (USB) interface standard” to -- wherein the host interface is a Universal Serial Bus (USB) interface--.**

14. Rejections under 35 USC 102

Applicant argued that the configuration information of the unidirectional wireless mouse of Junod is not stored in non-volatile memory during a configuration operation that can be retrieved and used in servicing the at least one wireless user input device during a subsequent boot mode operation.

The argument is not persuasive because it appears that applicant did not consider that Junod teaches the identification code being stored in EEPROM 620 so that it may be provided to the CPU 600 at a subsequent power up [col. 9, lines 24-26], and the CPU 600 providing appropriate signals to the host computer 30 [col. 9, lines 15-18] - such teachings indicating that the configuration information of the unidirectional wireless mouse of Junod is stored in non-volatile memory during a configuration operation, that the configuration information can be retrieved and used in servicing the at least one wireless user input device during a subsequent boot mode operation.

Furthermore, the recited claims do not preclude the possibility that during a subsequent boot operation, the configuration information is stored in the non-volatile memory and is then retrieved from the non-volatile memory and used in servicing the at least one wireless user input device.

15. Rejections under 35 USC 103

Applicant essentially argued that Junod does not provide a basis for anticipation

of independent claims 11, 18. The argument is not persuasive because Junod teaches the limitations of claims 11 and 18 (as rejected under anticipation and as argued with respect to the 102 rejections above).

### ***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Q. Nguyen whose telephone number is 571-272-4154. The examiner can normally be reached on M-F 9:30AM-7:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Art Unit: 2182

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September 30, 2006

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September 30, 2006